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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/197,908 | 11/23/1998 | ANTHONY F. HERBST | NEWMRKTP98-1 | 1823 |

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11/20/2001

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 11/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/197708

licant(s)

Harbst

Examiner

Akers, G

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 9/14/01

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) Other: _____

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DETAILED ACTION

Response to Request for Continued Examination(RCE)

1. This action is responsive to applicant's Request for Continued Examination(RCE) filed 9/14/01.
2. Independent claims 1,16-20 were amended by applicant's Amendment A. No claims were cancelled. No new claims were added.
3. Claims 1-20 are pending in this present action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 USC 103(a) as unpatentable over Hawkins(US Pat. No: 6,029,146) in view of Lawrence(US Pat. No: 5,915,209) and further in view of Broka(US Pat. No: 5,809,483).

6. As per claims 1, 16-20 Hawkins teaches a method for using a digital electronic computer to process signals in generating output and providing a digital computer apparatus including a computer having a processor electrically connected to a memory device for storing and retrieving machine readable signals to an input device for receiving input data and converting the input data and to an output device for converting output data from the processor into output having a visual

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presentation whereby the steps including entering financial characteristics sufficient for computing a price of preferred return investments(col 3 line 26-38). Lawrence teaches bond trading as preferred return investments (col 4 lines 62-col 5 line 48)(Fig 1)as well as the solicitation of bids and prices(col 5 lines 16-18). Hawkins teaches the trading of volumes of securities(col 8 lines 14-31)(Fig 4) and an associated supply schedule.Hawkins further teaches utilizing two remote digital electronic computers for effecting a preferred return instrument trade(Fig 3). Broka teaches a debt securities pricing system(Fig 10)(Fig 11) as well as specified issues(Fig 7/730) including a preferred-return securities auction(Fig 20(a))(Fig 20(b)) including offering sizes and handling amounts that buyers and sellers want to transact(Fig 21(a))(Fig 21(b)) as well as current preferred returns viewing(col 16 lines 5-48)(col 15 lines 4-11).Broka teaches a realtime trasding system(col 5 lines 20-45). It would have been obvious to one skilled in the art at the time of the invention to combine Hawkins in view of Lawrence to teach the above. The motivation to combine is to teach a system that can automatically disseminate accurate current informatiion on large volumes of bond trades as enunciated by Lawrence(col 3 lines 25-29) and disseminate this information to the trading crowd. Furthermore it also would have been obvious to combine Hawkins in view of Lawrence and further in view of Broka to teach the above. The motivation to combine is to terach an organized computerized trading system for compliance with SEC regulations as enunciated by Broka(col 1 lines 42-52).

7. Claims 2-15 are rejected because by their dependence they include the language of a rejected base claim.

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Conclusion

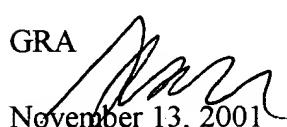
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Kalmus teaches an automated securities trading system

9. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA


November 13, 2001